

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LEE MICHAEL STERHAN,

Petitioner,

Case No. 2:10-CV-278

v.

HON. ROBERT HOLMES BELL

GREG McQUIGGIN,

Respondent.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION AND
DENYING PETITION FOR WRIT OF HABEAS CORPUS**

On January 28, 2014, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that Petitioner Lee Michael Sterhan’s § 2254 petition for writ of habeas corpus be denied. (ECF No. 38.) This matter is before the Court on Petitioner’s objections to the R&R. (ECF No. 39.)

This Court is required to make a de novo review upon the record of those portions of the R&R to which specific objections have been made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see also Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.”). Although the Magistrate Judge’s R&R is reviewed de novo, this Court must review the state

court proceedings consistent with the standards set forth in 28 U.S.C. § 2254.

Petitioner's objections to the R&R are largely a restatement of the arguments raised in his petition for habeas corpus. The R&R thoroughly addresses each of Petitioner's claims and explains why they do not entitle him to habeas relief. Although Petitioner disagrees with the conclusions reached in the R&R, Petitioner has not demonstrated that the conclusions are erroneous. On de novo review, this Court agrees with the Magistrate Judge, for the reasons stated in the R&R, that Petitioner has not shown, with respect to any of his claims, that the Michigan Court of Appeals' decision "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law as determined by the Supreme Court of the United States" or that it "resulted in a decision that was based upon an unreasonable determination of the facts in light of the evidence presented in the state court proceeding." 28 U.S.C. § 2254(d). Accordingly,

IT IS HEREBY ORDERED that Petitioner's objections to the Report and Recommendation of the Magistrate Judge (ECF No. 39) are **OVERRULED**.

IT IS FURTHER ORDERED that the January 28, 2014, R&R (ECF No. 38) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus (ECF No. 1) is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

Dated: June 26, 2014

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE